

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

BEVERLY ROBERTS,)	
)	
Plaintiff,)	
)	No. 3:12-CV-620
)	(VARLAN/SHIRLEY)
V.)	
)	
WESTGATE RESORTS AND FLORDIA)	
INVESTMENTS a/k/a WESTGATE RESORTS,)	
INC., and WESTGATE SMOKEY MOUNTAIN)	
RESORT & SPA AT GATLINBURG,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the order of the District Judge [Doc. 5] referring a Motion to Withdraw [Doc. 4], filed by counsel for the Plaintiff, to the undersigned for disposition. Attorney Thomas A. Travaglini currently serves as attorney of record for the Plaintiff. Attorney Travaglini has filed the instant Motion to Withdraw [Doc. 4], moving the Court to allow him to withdraw as counsel and to afford an appropriate period for the Plaintiff to retain counsel to represent her. The Defendant has not opposed the motion, and the time for doing so has elapsed.

Pursuant to Local Rule 83.4, a motion to withdraw must include the current mailing address and telephone number of the client. Further, “[u]nless the motion is signed by both the attorney and the client or a consent to the withdrawal signed by the client is attached to the motion, provide a copy of the motion to the client at least 14 days prior to the date the motion is filed” E.D. Tenn. L.R. 83.4(f).

In this case, the Motion to Withdraw was filed December 14, 2012, and it was served on the Plaintiff on the same date. [See Doc. 4 at 2]. The Plaintiff has, thus, received appropriate notice of the Motion to Withdraw. Mr. Travaglini has not, however, provided the Plaintiff's current telephone number. The Court finds that the failure to provide a telephone can be remedied, and the Court finds that because a scheduling order has not been entered in this case, it is unlikely that either party will be prejudiced by Mr. Travaglini's withdrawal.

Accordingly, it is **ORDERED**:

1. The Motion to Withdraw [Doc. 4] is **GRANTED**;
2. On or before **February 1, 2013**, Attorney Thomas A. Travaglini **SHALL FILE** a notice stating the Plaintiff's telephone number in the record, and he **SHALL INFORM** the Plaintiff, through written correspondence and/or a phone call, of her obligation to find new counsel or represent herself in this matter. Upon completing these tasks, Mr. Travaglini is **RELIEVED** of his role as counsel in this case;
3. The parties – including the Plaintiff and any attorney who she has retained to represent her – **SHALL APPEAR** before the undersigned for a status conference at **9:30 a.m. on February 15, 2013**. If the Plaintiff has a conflict on this date, she may contact the chambers of the undersigned at 865-545-4260 to reset the conference.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge